



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/766,026

01/29/2004

Jun Kakuta

121.1063

2662

21171 7590 05/11/2010

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

FEARER, MARK D

ART UNIT

PAPER NUMBER

2443

MAIL DATE

DELIVERY MODE

05/11/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/766,026	Applicant(s) KAKUTA ET AL.	
	Examiner MARK D. FEARER	Art Unit 2443	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9 and 11 is/are rejected.
- 7) ☒ Claim(s) 5-8 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's Amendment filed 28 January 2010 is acknowledged.
2. Claims 1, 9 and 11 have been amended.
3. Claims 1-11 are pending in the present application.
4. This action is made FINAL.

Claim Objections

5. Claims 5-8 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2443

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook et al. (US 6842604 B1) in view of Tuomi (US 20040093418 A1).

Consider claim 11. Cook et al. discloses an apparatus for delivering to a plurality of user terminals, comprising: receiving received information from a user terminal (Cook et al., column 2 lines 14-36); obtaining identification information identifying a user terminal to which the received information is to be delivered, and an index assigned to the received information (Cook et al., column 3 line 49 – column 4 line 4); obtaining profile information from a user terminal requiring delivery of the received information (Cook et al., column 3 line 49 – column 4 line 4); storing the profile information according to the identification information at each index; updating the received information (Cook et al., column 4 line 52 – column 5 line 3); and receiving a determined

Art Unit: 2443

order of delivery of the updated information to the plurality of the user terminals at each index when the received information is updated (Cook et al., column 4 lines 33 – 51).

However, Cook et al. does not explicitly teach a system and method comprising a plurality of second user terminals for delivering updated information data according to profile data.

Tuomi discloses a system and method of update of subscriber profiles in a communication system comprising a plurality of second user terminals for delivering updated information data according to profile data.

[Claim 1] A method for maintaining subscriber profiles in a first communication network where subscriber-specific data services are provided for terminals operated by users, the method comprising the steps of transmitting a location update request from the first communication network to a mobile network, the location update request being such that it triggers in the mobile network the sending of a first response, which includes information relating to a subscriber, receiving the first response in the first communication network, and updating the profile of the subscriber in the first communication network by means of the information received in the first response from the mobile network.

Cook et al. discloses a prior art apparatus for delivering to a plurality of user terminals, comprising: receiving received information from a user terminal; obtaining identification information identifying a user terminal to which the received information is to be delivered, and an index assigned to the received information; obtaining profile information from a user terminal requiring delivery of the received information; storing the profile information according to the identification information at each index; updating the received information; and receiving a determined order of delivery of the updated information to the plurality of the user terminals at each index when the received

Art Unit: 2443

information is updated upon which the claimed invention can be seen as an improvement.

Tuomi teaches a prior art comparable system and method of update of subscriber profiles in a communication system comprising a plurality of second user terminals for delivering updated information data according to profile data.

Thus, the manner of enhancing a particular device (system and method of update of subscriber profiles in a communication system comprising a plurality of second user terminals for delivering updated information data according to profile data) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Tuomi. Accordingly, one of ordinary skill in the art would have been capable of applying this known improvement technique in the same manner to the prior art apparatus for delivering to a plurality of user terminals, comprising: receiving received information from a user terminal; obtaining identification information identifying a user terminal to which the received information is to be delivered, and an index assigned to the received information; obtaining profile information from a user terminal requiring delivery of the received information; storing the profile information according to the identification information at each index; updating the received information; and receiving a determined order of delivery of the updated information to the plurality of the user terminals at each index when the received information is updated of Cook et al. and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized a system and method of updating subscriber profiles.

8. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz (US 20020087649 A1) in view of DeSimone et al. (US 6212548 B1) and in further view of Shimada (US 7203760 B2) and in further view of Tuomi (US 20040093418 A1).

Consider claim 1. Horvitz discloses an apparatus for delivering information comprising a storage unit for storing groups of data ((“Classification may vary depending on different folders in which messages are stored, as well as other scaling and control rules.”) paragraph 0252), identification data ((“For example, one or more profiles (not shown) may be selected or modified based on information about a user's location as can be provided by a global positioning system (GPS) subsystem, on information about the type of device being used and/or the pattern of usage of the device, and the last time a device of a particular type was accessed by the user.”) paragraph 0286), index data corresponding to identification data ((“Classification can also be improved with the use of incremental indexing that employs a moving window in the classifier. This enables the classifier to be routinely refreshed, as old data is timed out, and new data is brought in.”) paragraph 0250), and a set of profile data ((“FIG. 3 illustrates how notifications from various alert sources 60 can be tagged with an urgency, importance, and/or priority value in a local user profile 64 stored at the source.”) paragraph 0088), the profile data being related to the identification data ((“The message class for a notification generated by a notification source indicates the type of

Art Unit: 2443

communication of the notification, such as e-mail, instant message, numerical financial update, and desktop service, for example.”) paragraph 0332) according to profile data acquired in said storage unit. However, Horvitz fails to disclose user terminals, groups of users, or sets of two or more user groups, data, and devices. DeSimone et al. discloses a system and method for multiple asynchronous chat comprising a plurality of users using client terminals, and multiple, and non-overlapping user groups (“In accordance with one aspect of the present invention, a user maintains multiple simultaneous real-time chat sessions with a plurality of other participants using a single client residing on a personal computer, workstation or terminal (collectively, "terminal").”) column 2 lines 30-34 (“Still more particularly, aspects of the present invention relate to systems and methods for establishing and maintaining multiple simultaneous asynchronous message sessions between overlapping or non-overlapping sets of users in data communications contexts, such as Internet chat sessions.”) column 1 lines 10-15 (“In other cases the session may include a group of users such as those logged onto an on-line service or similar chat room, or included in a "buddy list" maintained by a user.”) column 3 lines 39-42). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a system and method for multiple asynchronous chat comprising a plurality of users using client terminals, and multiple, and non-overlapping user groups as taught by DeSimone et al. with an apparatus for delivering information comprising a storage unit for storing groups of data, identification data, index data corresponding to identification data, and a set of profile data, the profile data being related to the

Art Unit: 2443

identification data as taught by Horvitz for the purpose of reducing notification disruptions. However, Horvitz, as modified by DeSimone et al., fails to disclose a method of determining an order of delivering updated first information. Shimada discloses a system for distributing content data according to user-set content distribution schedules wherein a delivery order is determined ((“wherein said data server further includes a database storing a plurality of priorities assigned to users of said plurality of data terminals, said data server being further operable to access the stored priorities in determining an order of”) Claim 5) on the basis of updating first information data ((“The updating is accomplished by updated information distributed to the user in a form of being stored in the physical medium 10 and reproduced by such user, or downloaded from the server machine 4 as one event of the downloading schedule.”) column 14 lines 10-14).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to incorporate a system for distributing content data according to user-set content distribution schedules wherein a delivery order is determined on the basis of updating first information data as taught by Shimada with a method for multiple asynchronous chat comprising a plurality of users using client terminals, and multiple, and non-overlapping user groups and an apparatus for delivering information comprising a storage unit for storing groups of data, identification data, index data corresponding to identification data, and a set of profile data, the profile data being related to the identification data as taught by Horvitz, as modified by DeSimone et al., for the purpose of an information delivery method.

Art Unit: 2443

However, Horvitz, as modified by DeSimone et al. and Shimada, does not explicitly teach a means for determining an order of delivering the updated information data to the plurality of the second user terminals to the profile data acquired by reference to the second group of data in said storage unit when the first information data is updated.

Cook et al. discloses a personal digital content system wherein a distributor updates an end user's digital library identifying information, comprising a list of accurate consumer data that is transferred from a host computer to a personal computer. This reads on the claimed means for determining an order of delivering the updated information data to the plurality of the second user terminals to the profile data acquired by reference to the second group of data in said storage unit when the first information data is updated.

[Cook et al., column 3 line 49 – column 5 line 3]

As shown in FIG. 1, also stored on the central host computer (46) for use in advertising is consumer data (44) for each consumer registered to use the invention. The store of consumer data (44) comprises a database comprising information on every end user. The principal operational interface between the consumer and the invention is an Internet website (48) through which consumers' personal computers (86) are connected to a central host computer (46). Each consumer wishing to use the invention as a source of personal entertainment programming registers (74) by using the consumer's personal computer (86) to access the website (48) and submit (50) pertinent identifying information, demographic information, and personal preference information, all of which together is stored (52) as consumer data (44) on the central host computer (46). Examples of typical elements of consumer data, as shown on FIG. 4, include name (54), age (56), geographic location (58), income (60), gender (62), marital status (64), frequent flyer numbers (66), additional financial profile data (68), automobile preference (70), and any other useful information. The consumer data (44) will typically include also a listing of all track identification codes (72) for tracks stored in end user digital libraries (120).

Art Unit: 2443

As shown in FIG. 2, also stored in the master digital library (2) and in end user digital libraries (120) is attribute information for each track and ad, including for example, the artist's name (6), song title (8), album title (10), genre (12), song length (14), file format (16), bit rate (18), fade-in point (20), fade-out point (22), track identification code (24), track location (26), the encryption key (28) for the track or ad, and a URL (30) pointing to another website where a consumer can learn more about an ad or track. Header information, a subset of the attribute information, typically travels with the track or ad when the track or ad is distributed to consumers. Header information typically includes information appropriate for display while the ad or track is playing, including for example, the artist's name (6), the song title (8), the album title (10), and a URL (30) pointing to another pertinent website. Header information is optionally encrypted.

Also shown in FIG. 1 as stored on the central host computer (46) are schedules (6), digital computer database records containing lists of events to be effected as sequential elements of entertainment programming. Examples of events comprising schedules, as shown in FIG. 3, are tracks (102, 104, 106, 108, 110, 112), ads (36, 37, 39), local insert breaks (38), recorded announcements (40), and external events (42). Local insert breaks, recorded announcements, and external events are optional elements that can be inserted into schedules by users or consumers. Schedules, tracks, and ads for play by consumers preferably are stored on the consumers' personal computers.

As part of the invention, in a preferred embodiment, means for comparing the schedule of digital content with an end user's digital library, means for identifying digital content listed on the schedule but missing from the end user's digital library, and means for communicating with said master digital library to obtain the digital content missing from the end user's digital library can be implemented as shown in FIG. 5 through a software agent called a distributor (78) that operates every time the consumer logs onto the website (48) using a personal computer (86). Distributors comprise at least one agent adapted to perform distribution of digital content. Distributors also comprise at least one agent to request schedules of digital content. The distributor can effect schedule distribution (79) by identifying schedules ordered (80) by the consumer and delivers (34) the schedules (32) via the Internet (84) to the consumer's personal computer (86). If the schedules (32) were already installed on the consumer's personal computer (86), the distributor updates them (96).

The distributor can update tracks and ads (81) by reading (88) from an end user digital library (120) the identifying information for the tracks and ads required to fulfill the installed schedules (32) to determine whether the required tracks and sectors are installed on the consumer's personal computer (86). If the required tracks are not installed on the consumer's personal computer (86), the distributor retrieves (90) required tracks and ads from the master digital library (2) and delivers them (92) via the Internet to the end user digital library (120) on the consumer's personal computer (86). The distributor then updates (94) the consumer data (44) so that the current listing in the consumer data (44) of tracks stored on the consumer's personal computer (86) is accurate. At play time, therefore, all tracks and ads needed to execute a schedule, as

Art Unit: 2443

well as the updated form of the schedule itself, are typically available on the consumer's personal computer (86), and an accurate list of the tracks stored on the consumer's personal computer (86) is included within the centrally-stored consumer data (44).

Horvitz, as modified by DeSimone et al. and Shimada, discloses a prior art system for distributing content data according to user-set content distribution schedules wherein a delivery order is determined on the basis of updating first information data, and a method for multiple asynchronous chat comprising a plurality of users using client terminals, and multiple, and non-overlapping user groups and an apparatus for delivering information comprising a storage unit for storing groups of data, identification data, index data corresponding to identification data, and a set of profile data, the profile data being related to the identification data upon which the claimed invention (closure hooks on each closure panel) can be seen as an improvement.

Cook et al. teaches a prior art comparable means for determining an order of delivering the updated information data to the plurality of the second user terminals to the profile data acquired by reference to the second group of data in said storage unit when the first information data is updated.

Thus, the manner of enhancing a particular device (means for determining an order of delivering the updated information data to the plurality of the second user terminals to the profile data acquired by reference to the second group of data in said storage unit when the first information data is updated) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Cook et al. Accordingly, one of ordinary skill in the art would have been capable of

Art Unit: 2443

applying this known improvement technique in the same manner to the prior art system for distributing content data according to user-set content distribution schedules wherein a delivery order is determined on the basis of updating first information data, and a method for multiple asynchronous chat comprising a plurality of users using client terminals, and multiple, and non-overlapping user groups and an apparatus for delivering information comprising a storage unit for storing groups of data, identification data, index data corresponding to identification data, and a set of profile data, the profile data being related to the identification data of Horvitz, as modified by DeSimone et al. and Shimada, and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized a system and method of a personal digital content system.

However, Horvitz, as modified by DeSimone et al., Shimada and Cook et al., does not explicitly teach system and method comprising a plurality of second user terminals for delivering updated information data according to profile data.

Tuomi discloses a system and method of update of subscriber profiles in a communication system comprising a plurality of second user terminals for delivering updated information data according to profile data.

[Claim 1] A method for maintaining subscriber profiles in a first communication network where subscriber-specific data services are provided for terminals operated by users, the method comprising the steps of transmitting a location update request from the first communication network to a mobile network, the location update request being such that it triggers in the mobile network the sending of a first response, which includes information relating to a subscriber, receiving the first response in the first communication network, and updating the profile of the subscriber in the first communication network by means of the information received in the first response from the mobile network.

Art Unit: 2443

Horvitz, as modified by DeSimone et al., Shimada and Cook et al., discloses a prior art means for determining an order of delivering the updated information data to the plurality of the second user terminals to the profile data acquired by reference to the second group of data in said storage unit when the first information data is updated; and distributing content data according to user-set content distribution schedules wherein a delivery order is determined on the basis of updating first information data, and a method for multiple asynchronous chat comprising a plurality of users using client terminals, and multiple, and non-overlapping user groups and an apparatus for delivering information comprising a storage unit for storing groups of data, identification data, index data corresponding to identification data, and a set of profile data, the profile data being related to the identification data upon which the claimed invention can be seen as an improvement.

Tuomi teaches a prior art comparable system and method of update of subscriber profiles in a communication system comprising a plurality of second user terminals for delivering updated information data according to profile data.

Thus, the manner of enhancing a particular device (system and method of update of subscriber profiles in a communication system comprising a plurality of second user terminals for delivering updated information data according to profile data) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Tuomi. Accordingly, one of ordinary skill in the art would have been capable of applying this known improvement technique in the same manner to the prior art means for determining an order of delivering the updated

Art Unit: 2443

information data to the plurality of the second user terminals to the profile data acquired by reference to the second group of data in said storage unit when the first information data is updated; and distributing content data according to user-set content distribution schedules wherein a delivery order is determined on the basis of updating first information data, and a method for multiple asynchronous chat comprising a plurality of users using client terminals, and multiple, and non-overlapping user groups and an apparatus for delivering information comprising a storage unit for storing groups of data, identification data, index data corresponding to identification data, and a set of profile data, the profile data being related to the identification data of Horvitz, as modified by DeSimone et al., Shimada and Cook et al., and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized a system and method of updating subscriber profiles.

9. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz (US 20020087649 A1) in view of DeSimone et al. (US 6212548 B1) in further view of Shimada (US 7203760 B2) in further view of Tuomi (US 20040093418 A1) and in further view of Kall (US 20040180669 A1).

Consider claims 2 and 4, and as applied to claims 1 and 2, respectively. Horvitz, as modified by DeSimone et al., Shimada and Tuomi, discloses an apparatus for delivering information. However, Horvitz, as modified by DeSimone et al., Shimada and

Art Unit: 2443

Tuomi, does not explicitly teach an apparatus for delivering information comprising restrictions on update information. Kall discloses a telecommunications system comprising the quality of service level parameters of accuracy, update frequency, time stamp, time-to-first-fix, reliability, and continuity ((“It may be possible for the LCS client 8 to specify or negotiate a (minimum) level of quality, such as accuracy, in a station location information request. Different applications demand different levels of positioning accuracy and other positioning performance parameters, so the levels of performance should be classified according to the type of applications. The quality of location information can involve parameters like accuracy, update frequency, time stamp, time-to-first-fix, reliability, continuity, etc. The quality of the generated location information can exceed the required level. In case location information is not available to the required quality level, the request can either be denied and the service execution terminated, or the user accepts the lower quality information. The quality level requirement of each service (application) could be set both by the subscriber and the service provider.”) paragraph 0042).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a telecommunications system comprising the quality of service level parameters of accuracy, update frequency, time stamp, time-to-first-fix, reliability, and continuity as taught by Kall with an apparatus for delivering information as taught by Horvitz, as modified by DeSimone et al., Shimada and Tuomi, for the purpose of dynamic updating.

Art Unit: 2443

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz (US 20020087649 A1) in view of DeSimone et al. (US 6212548 B1) in further view of Shimada (US 7203760 B2) in further view of Tuomi (US 20040093418 A1) and in further view of Crandall (US 20020029291 A1).

Consider claim 3, and as applied to claim 1 above. Horvitz, as modified by DeSimone et al., Shimada and Tuomi, discloses an apparatus for delivering information. However, Horvitz, as modified by DeSimone et al., Shimada and Tuomi, does not explicitly teach an apparatus for delivering information comprising restrictions on first update information or delivery order thereof. Crandall discloses an active requesting of information device comprising newsfeeds that watch timestamps and, when they are delivered, are delivered in reference to the sequence of the previous command ((“The command sequence 500 may be as long as desired, and may include commands for reproducing information that has not yet been stored. For example, the command sequence 500 includes the "news" command 522 for reproducing news information from the storage device 400 on Day 461 of programming, but it is obvious that, at the time the command sequence 500 is sent, the news for Day 461 is not yet known. Therefore, the "news" storage portion of the macro portion 440 of the storage device 400 will be updated with fresh news information for Day 461 at some time prior to 6:00 AM on Day 461, for example, and then this updated information will be reproduced at 6:00 AM on Day 461 based on the previously transmitted command sequence.”) paragraph 0077).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate an active requesting of information device comprising newsfeeds that watch timestamps and, when they are delivered, are delivered in reference to the sequence of the previous command as taught by Crandall with an apparatus for delivering information as taught by Horvitz, as modified by DeSimone et al., Shimada and Tuomi, for the purpose of sequential and current data in a communications system.

11. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. (US 7158805 B1) in view of Erdelyi (US 6631522 B1) in further view of Shimada (US 7203760 B2) and in further view of Tuomi (US 20040093418 A1).

Consider claim 9. Park et al. discloses a method of information delivery comprising the steps of: receiving information from a user terminal ((“... a system control unit for controlling changed concise information, detailed information, or key information sent from one of the plurality of information and telecommunications terminals to be stored in the system memory unit corresponding to the user, reading information stored in the system memory units based on the key information, and sending the information to information and telecommunications terminals of all other parties.”) column 2 lines 20-28), obtaining identification information for identifying a user terminal to which the information is delivered ((“... said subscriber system automatically sends information related to said identifying numbers to a user's information and

Art Unit: 2443

telecommunications terminal, ...) claim 10), obtaining profile information from a user terminal that requires to be delivered the information ((“... information items: a profile, a working field, greeting, a moving picture or a voice data for introducing the user, a user hobbies, user merits, user interests, a user diverse information item, a bulletin board, or one or more information items used for expressing a user's mood, look, emotion, or information related to certain gifts or actions, or information for expressing an index of amiableness with another party, or information on various natural environment, or information on user quizzes.”) claim 11), and receiving the information updated ((“An example non-limiting illustrative implementation of the system and method disclosed herein includes a system for exchanging information among users, and a system for automatically updating changed information in storage devices of all telecommunication terminals of a subscriber system that exchanged information with a particular user, when changes occur in diverse information or key information related to that particular user.”) column 1 lines 53-60). However, Park et al. fails to disclose a method for indexing, sorting, or displaying a video database comprising indexing information in a database, or storing user attribute information in a profile. Erdelyi discloses a method and system for indexing, sorting, and displaying a video database comprising indexing information in a database, and storing user attribute information in a profile ((“The present invention provides a method and system for indexing, sorting, and displaying a video database. The preferred embodiment of the present invention is adapted for use in indexing the video display of one or more sporting events, such as a season of league football games. However, it is readily apparent that the method and system

Art Unit: 2443

according to the present invention can also be used to index, sort, and display video recordings of other types of events, including but not limited to theatrical performances, musical events, or political speeches.”) column 4 lines 33-43 (“The present invention includes hardware and software components, and implements a novel encoding process to provide a searchable video and informational database. The present invention can be implemented using any suitable computer system, including one or more personal computers, a "dumb" terminal, a network of interconnected computers, a personal digital assistant, an intranet system, or the Internet. In addition, the present invention uses at least one database to store the video database, as well as any other information to be indexed thereto. In the preferred embodiment of the present invention, five encoding levels are used to enter data into at least one searchable computer database. An intelligent scene detection process can also be used to automate any or all of the encoding processes. Each encoder and the User use specially configured graphical user interfaces (GUI s) to access the system.”) column 2 lines 15-30 (“The statistical information database stores profile information for each player. The fifth encoder monitors and edits this information. Player profile information can include, but is not limited to position 533, status 534, age (not shown), weight 536, height 538, speed 540, experience 542, college (not shown), date of birth 544, agent (not shown), last team (not shown), salary requirements 546, injury history 548, home town 552, home phone 554, overall rating 556, and intra-league activity reports 550. The players statistics (Statistics) 560, name plate 562, and photo 564 can also be displayed.”) column 21 lines 41-51 (“The User can select, review, and edit some or all user

Art Unit: 2443

preferences using the User Preferences GUI. For example, the User can designate the playing order of the clips, the number of games to be searched 352, whether the footage is to be delivered in chronological or reverse chronological order 354, change a password, select the first screen view, and choose the default camera angle.”) column 11 lines 34-40 (“Each tape track is then divided into a series of consecutive clips. A clip is a tape segment of a predetermined event. For example, each play of a football game videotape can be designated as a separate clip. A file naming protocol known as Clip ID is used to index each clip in the video database (2005).”) column 12 lines 14-20).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a method and system for indexing, sorting, and displaying a video database comprising indexing information in a database, and storing user attribute information in a profile as taught by Erdelyi with a method of information delivery comprising the steps of: receiving information from a user terminal, obtaining identification information for identifying a user terminal to which the information is delivered, obtaining profile information from a user terminal that requires to be delivered the information, and receiving the information updated as taught by Park et al. for the purpose of exchanging, indexing, and sorting communications messaging. However, Park et al., as modified by Erdelyi, fails to disclose a method of determining the order in which video clips are retrieved. Shimada discloses a system for distributing content data according to user-set content distribution schedules wherein a delivery order is determined (“wherein said data server further includes a database storing a plurality of priorities assigned to users of said plurality of data terminals, said data server being

Art Unit: 2443

further operable to access the stored priorities in determining an order of”) Claim 5) on the basis of updating first information data ((“The updating is accomplished by updated information distributed to the user in a form of being stored in the physical medium 10 and reproduced by such user, or downloaded from the server machine 4 as one event of the downloading schedule.”) column 14 lines 10-14).

Therefore, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to incorporate a system for distributing content data according to user-set content distribution schedules wherein a delivery order is determined on the basis of updating first information data as taught by Shimada with a method for indexing, sorting, and displaying a video database comprising indexing information in a database, and storing user attribute information in a profile and a method of information delivery comprising the steps of: receiving information from a user terminal, obtaining identification information for identifying a user terminal to which the information is delivered, obtaining profile information from a user terminal that requires to be delivered the information, and receiving the information updated as taught by Park et al., as modified by Erdelyi, for the purpose of an information delivery method.

However, Park et al., as modified by Erdelyi and Shimada, does not explicitly teach system and method comprising a plurality of second user terminals for delivering updated information data according to profile data.

Tuomi discloses a system and method of update of subscriber profiles in a communication system comprising a plurality of second user terminals for delivering updated information data according to profile data.

[Claim 1] A method for maintaining subscriber profiles in a first communication network where subscriber-specific data services are provided for terminals operated by users, the method comprising the steps of transmitting a location update request from the first communication network to a mobile network, the location update request being such that it triggers in the mobile network the sending of a first response, which includes information relating to a subscriber, receiving the first response in the first communication network, and updating the profile of the subscriber in the first communication network by means of the information received in the first response from the mobile network.

Park et al., as modified by Erdelyi and Shimada, discloses a prior art system for distributing content data according to user-set content distribution schedules wherein a delivery order is determined on the basis of updating first information data and a method for indexing, sorting, and displaying a video database comprising indexing information in a database, and storing user attribute information in a profile and a method of information delivery comprising the steps of: receiving information from a user terminal, obtaining identification information for identifying a user terminal to which the information is delivered, obtaining profile information from a user terminal that requires to be delivered the information, and receiving the information updated upon which the claimed invention can be seen as an improvement.

Tuomi teaches a prior art comparable system and method of update of subscriber profiles in a communication system comprising a plurality of second user terminals for delivering updated information data according to profile data.

Art Unit: 2443

Thus, the manner of enhancing a particular device (system and method of update of subscriber profiles in a communication system comprising a plurality of second user terminals for delivering updated information data according to profile data) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Tuomi. Accordingly, one of ordinary skill in the art would have been capable of applying this known improvement technique in the same manner to the prior art system for distributing content data according to user-set content distribution schedules wherein a delivery order is determined on the basis of updating first information data and a method for indexing, sorting, and displaying a video database comprising indexing information in a database, and storing user attribute information in a profile and a method of information delivery comprising the steps of: receiving information from a user terminal, obtaining identification information for identifying a user terminal to which the information is delivered, obtaining profile information from a user terminal that requires to be delivered the information, and receiving the information updated of Park et al., as modified by Erdelyi and Shimada, and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized a system and method of updating subscriber profiles.

Response to Arguments

Art Unit: 2443

12. Applicant's arguments filed 28 January 2010 with respect to claims 1, 9 and 11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any response to this Office Action should be faxed to (571) 273-8300 or mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Art Unit: 2443

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Mark Fearer whose telephone number is (571) 270-1770. The Examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tonia Dollinger can be reached on (571) 272-4170. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Application/Control Number: 10/766,026
Art Unit: 2443

Page 26

Mark Fearer
/M.D.F./
April 30, 2010

/George C Neurauter, Jr./

Primary Examiner, Art Unit 2443